IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Bail Appl..No. 5200 of 2007()

CRMP.3467/2007 of J.M.F.C.-I, PUNALUR
CRIME NO.165/07 OF THENMALA POLICE STATION

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PETITIONER/4TH ACCUSED

SAJI, S/O JOSEPH, AGED 33 YEARS,
RESIDING AT LEKSHMI BHAVAN,
KARIMBINTHOTTAM, ARYANKAVU MURI,
ARYANKAVU VILLAGE, KOLLAM.

BY ADV. SRI. K.SIJU

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, THENMALA POLICE STATION, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5200 of 2007

Dated this the 11th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 4th accused. He faces allegations, inter alia, under Sec.304 of the IPC. The crux of the allegations against the petitioner is that he along with three other co-accused had assaulted the driver of a lorry who had picked up a quarrel with the driver of a K.S.R.T.C. bus. The accused persons had allegedly assaulted the driver of the lorry and had beaten him with a wooden stick. The victim suffered minor injuries; but breathed his last when he was being removed to the hospital. A crime was registered initially under Sec.302 of the IPC. After getting the post-mortem certificate which shows that the death was not the result of any injuries suffered; but on account of the heart ailment of the deceased, the section of offence has been altered to Sec.304 of the IPC. Investigation is in progress. The petitioner was arrested on 9/8/07. He continues in custody

from that date. The co-accused, who have already been arrested, have all been released on bail by now by the learned Sessions Judge. It is pointed out that the petitioner had come to this Court on 20/8/07 and hence his application is continuing to be pending.

2. The learned Public Prosecutor does not oppose the prayer for regular bail and I am satisfied, in the facts and circumstances to which I have already made a brief reference above, that the petitioner, who continues in custody from 9/8/07, can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until for a period of two

months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge